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Attorneys for Defendants,
COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY
(Defendants is exempt from filing fees pursuant to Government Code § 6103)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA ASSIFF,

Plaintiffs,

v.

COUNTY OF LOS ANGELES;
SHERIFF DEPUTY BADGE
NUMBER 404532; And DOES 1
through 10,

Defendants.

Case No.: 2:22-cv-05367 RGK(MAAx)

**DECLARATION OF MOLSHREE
GUPTA IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION IN LIMINE
NO.1 FOR ISSUE AND EVIDENCE
SANCTIONS FOR FAILURE TO
PRODUCE WITNESSES FOR
DEPOSITION**

Action Filed: August 3, 2022
Pretrial Conference: July 10, 2023
Trial Date: July 25, 2023

Assigned to:
Hon. R. Gary Klausner, District Judge
Courtroom 850

All Discovery Matters Referred to:
Hon. Maria A. Audero, District Judge

DECLARATION OF MOLSHREE GUPTA

I, MOLSHREE, ESQ., declare and state as follows:

1. I am an attorney at law duly licensed to practice as such before all the courts of the State of California and am a partner in the law offices of Kjar, McKenna & Stockalper, LLP, attorneys of record for moving parties, COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY in the action entitled *Assiff v. County of Los Angeles, et al*, Case Number 2:22-cv-05367 RGK(MAAX).

2. I have personal knowledge of the matters set forth herein, and if called to testify, I could and would competently testify to the facts set forth in this Declaration based upon my personal knowledge.

3. Plaintiff filed this action on August 2, 2023.

4. On November 7, 2022, this Court set a Jury Trial to proceed on July 25, 2023, at 9:00 a.m., and a Pretrial Conference for July 10, 2023, at 9:00 a.m. (*See Docket #23, Minute Order re Pre-Trial and Trial Dates.*) On the same date, the Court set a motion cut-off date of May 10, 2023, and a discovery cut-off date of April 26, 2023. (*See Docket #23.*)

5. On March 31, 2023, without first inquiring as to the parties' availability, Plaintiff served notices for the depositions of the County's person most knowledgeable for April 26, 2023. Plaintiff had not previously noticed these depositions or requested the availability of these parties for a deposition; these depositions were set unilaterally.

6. On April 5, 2023, the parties filed a Joint Stipulation to extend pre-trial deadlines, and a proposed order. (*See Docket #41.*) Therein, Plaintiff's counsel admitted that he unilaterally set notices for the Depositions of the County's PMK to occur on April 26, 2023. On April 7, 2023, this Court entered an order to extend pre-trial deadlines as follows: 1) the Discovery cut-off is continued to May 10, 2023; the expert disclosure deadline is continued to May 10, 2023; the Motion cut-off is continued to May 24, 2023; the ADR completion deadline is continued to June 9, 2023. (*See Docket #42.*)

1 7. On April 17, 2023, Defendant served objections to Plaintiff's notice for
2 the deposition of the County's person most knowledgeable. Attached hereto as **Exhibit**
3 **A** are true and correct copies of Defendant's objection to Plaintiff's notice for the
4 deposition of the County's person most knowledgeable.

5 8. Moreover, Defendants have offered Plaintiff various dates for the
6 depositions of Defendant County's person(s) most knowledgeable as to 8 of the 9
7 enumerated categories, and maintained its timely objection to the final (9th) category
8 enumerated by Plaintiff. Attached as hereto as **Exhibit B** are true and correct copies of
9 my various emails providing witness availability to Plaintiff's counsel and requesting
10 confirmation of these depositions. The witnesses have been prepared to proceed, but
11 Plaintiff's counsel has declined to proceed with the depositions.

12 9. On May 18, 2023, Plaintiff's counsel wrote to Defendants' counsel to
13 communicate the intent not to proceed with the depositions of Defendant County's
14 persons most knowledgeable unless each of the various witnesses are all made available
15 on the same date. Moreover, Plaintiff's counsel hinted that he did not want to proceed
16 with these depositions until after the scheduled Mediation on June 2, 2023. Attached as
17 hereto as **Exhibit C** is a true and correct copy of Plaintiff's counsel's May 18, 2023
18 email.

19 10. On June 23, 2023, Plaintiff's Counsel wrote to Defendant stating that "we
20 are still waiting for your office for dates for the deposition of the County
21 Representative". On June 23, 2023, Defendant responded stating that Plaintiff's
22 unreasonable and arbitrary restriction to perform all PMK Depositions on one day was
23 not possible, and deposition dates had already been provided many times. Attached as
24 hereto as **Exhibit D** is a true and correct copy of Counsel's June 23, 2023 emails.

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed on June 30, 2023, at El Segundo, California.

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5 /s/*Molshree Gupta*
6 MOLSHREE GUPTA
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CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 841 Apollo Street, Suite 100, El Segundo, California 90245.

On June 30, 2023, I served the foregoing document described as **DECLARATION TO MOLSHREE GUPTA IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S EX PARTE APPLICATION TO CONTINUE HEARING ON MOTION FOR PARTIAL SUMMARY JUDGMENT** on all interested parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

By Mail I caused such envelope(s) to be deposited in the mail at El Segundo, California. The envelope was mailed with postage thereon fully prepaid and addressed to the parties listed on the Service List. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

XX **By Email** Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in the Service List. My email address is mnixon@kmslegal.com.

By Personal Service I caused such document to be Personally Served on the parties listed in the Service List.

XX **State** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 30, 2023, at El Segundo, California.

Maria Nixon

SERVICE LIST

Assiff, Joshua vs. County of Los Angeles, et al.

Central District- Case No.: 2:22-cv-05367 RGK(MAAX)

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